

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL WELLS,

Plaintiff,

-against-

STATE OF NEW YORK DEPARTMENT OF
CORRECTIONS, ET AL.,

Defendants.

19-CV-11280 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

On February 5, 2020, the Court received a letter from Plaintiff, advising the Court that he is “not ready to litigate this claim” and wishes to withdraw his complaint. (ECF 11.)

Accordingly, the Court grants Plaintiff’s request to withdraw this action, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, without prejudice to Plaintiff’s refileing it.

The Clerk of Court is directed not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff is directed to suspend any previously authorized monetary deduction from Plaintiff’s prison trust account for this lawsuit.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The complaint is voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a), without prejudice to Plaintiff’s refileing it as a new action. The Court certifies under 28 U.S.C.

§ 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

Dated: February 6, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge